

REMARKS

The examiner has rejected claims 1, 4-7 and 10-12 under 35 U.S.C 102(e) as being anticipated by Gamache et al, US Patent 6,577,146. This rejection is not thought to be well taken. Claim 1 is a method claim and claim 7 is a structure claim with very similar limitations, in structure form, so these claims will be dealt with together.

First, it should be noted that Gamache et al do not teach or suggest varying an input of any parameter to maintain any value at the chip. The Gamache et al patent is directed solely to determining the thermal resistance between a chip and a heat sink, at which place temperature is measured, at a temperature below the burn-in temperature, and if this resistance is high enough, blocking the burn-in procedure, which takes place at a given temperature, until corrective action has been taken. In Gamache et al, there is absolutely no control of the burn-in procedure responsive to any values. Claims 1 and 7 clearly state that the voltage is varied, or has a structure for varying the voltage, to maintain any one of the current, voltage or power levels at or below a given value. Thus, claims 1 and 7 have limitations that are not found in Gamache et al and are, therefore, allowable.

Prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim. Jamesbury Corp. v. Litton Indus. Products, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); Atlas Powder Co. v. du Pont, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); American Hospital Supply v. Travenol Labs, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

"Anticipation requires identity of the claimed process and a process of the prior art; the claimed process, including each step thereof, must have been described or embodied, either

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expressly or inherently, in a single reference" Glaverbel Societe Anonyme v. Northlake Marketing & Supply, Inc. 45 F. 3d 1550, 1554, 33 USPQ2d 1496, 1498 (Fed. Cir. 1995).

Claims 4-6 and 10-12 are dependent upon claims 1 and 7, respectively, and, for the same reasons, are believed to be allowable. Moreover, claims 4 and 10 require monitoring the temperature of each device, and the voltage is varied to maintain the temperature at a given value. This not taught nor suggested by Gamache et al and, for this additional reason, these claims are believed to be allowable. Additionally, claims 6 and 12 require a heat sink, and the temperature at the heat sink is varied to maintain the device temperature at a given value. This is neither taught nor suggested by Gamache et al and, for this additional reason, claims 6 and 12 are believed to be allowable.

The allowability of claims 2-3 and 8-9 is acknowledged with appreciation. However, since each of these claims depends from a claim that is believed to be allowable, they have not been rewritten in independent form.

It is believed that each of the claims now in the application is distinguishable, one from the other, and over the prior art; therefore, reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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